

REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, SEPTEMBER 1, 2009

The City Council of the City of Leon Valley, Texas, met on the 1st day of September 2009 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:04 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Baldrige, Dean and Nelson. The Mayor announced that Councilman Reyna had an excused absence for business out of town.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Fire Chief Irwin, Economic Development Director Ryan, Assistant Public Works Director Stolz, and City Attorney McKamie were also present.

Mayor Riley welcomed everyone and asked Councilman Garcia to lead the assembled group in reciting the Pledge of Allegiance.

Presentation of 25-year service award to Police Chief Randall L. Wallace.

Mayor Riley presented a certificate of appreciation and gold watch to Police Chief Randall Wallace in recognition of his completion of twenty-five years of service with the City of Leon Valley's Police Department. Chief Wallace thanked the Council and the City for their support and recounted his first police call as an officer and the changes he's seen in the City over the years. The Council and audience also wished the Chief a "Happy Birthday".

Proclamation declaring the week of September 7 - September 13, 2009 as "Clean-Up, Fix-Up, and Paint-Up Week." Items for disposal must be curbside by 7:00 a.m., Monday, September 14, 2009 (Stolz).

Mayor Riley proclaimed the week of September 7 - 13, 2009 as "Clean-Up, Fix-Up, and Paint-Up Week." Assistant Public Works Director Stolz accepted the proclamation and reminded everyone of the 8 cubic yard limitation on the amount of refuse that will be hauled away during this semi-annual roundup. He also reminded everyone about the requirement to have any FREON removed by a certified technician and tag the item indicating the FREON has been removed. Then the item will be removed by Waste Management during this special pickup. Everyone was reminded that all items must be curbside by 7:00 a.m. - September 14, 2009 for survey and pickup.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Hearing no objections, she asked if anyone in the audience wished to speak for the "Citizens to be Heard" portion of the meeting.

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Resident Mary Frances Uptain, 6101 Sawyer Road, addressed Council about her displeasure, as a landlord, with the newly adopted rental registration ordinance which will require inspections of rental properties. The City Attorney explained that Council cannot respond to her comments, but she can ask staff for policy clarification. Mrs. Uptain also asked why there was a moratorium on home building in Leon Valley and stated she appreciated the right to be heard.

Resident Christina Rangel, 5900 El Verde Road, asked Council what they were doing for the people of El Verde and Jeff Loop and asked them to fight more for their citizens and to speak up against Bexar County's flood control plans for Huebner Creek which will require the buyout of homes. She told Council that she would fight the buyouts and would not allow an appraisal to be done and that the plan was not fair to retirees and those who wished to stay in their homes. When it was explained that the Council could not address her comments at the meeting, Ms. Rangel asked for a meeting with the Mayor.

Resident Kathy Campbell, 5608 El Verde Road, addressed Council stating that not all residents in the proposed "buy-out" area agree with Ms. Rangel. Ms. Campbell stated that she has suffered through the floods with over two-feet of water in her home in the past and that she and others want to see the opportunity to move out of the flood zone with Bexar County's help.

Resident Ricardo Escobar, 5908 El Verde Road, addressed Council agreeing with Ms. Rangel stating that he does not want to move from his home and expressed his concerns about what he perceives as apathy on the part of the City to this situation.

Resident Paul Farrer, 5812 El Verde, asked Council to seek alternatives to fix the flooding issues rather than buying out all of the homes in his area and stated that he is not in favor of the buyout, as the home was his grandparents' home and now his.

Resident Rose Vera, 6116 Jeff Loop, expressed her support for a buy-out - complaining that she lives in fear of the flooding.

Resident Jesse Barrera, 5809 El Verde Road, asked if the citizens would be given the opportunity to meet again with the Engineers as he felt that if the City doesn't get relief downstream in San Antonio, the proposed flood control measures would do no good. City Manager Lambert stated that Bexar County has informed us today that it is planning public hearings later this year, in October-November, on the flood control program. Mr. Barrera asked if the City Engineer could again be at that meeting.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley thanked everyone for bringing their comments to Council and asked for a motion to approve the following Consent Agenda items:

Consent Agenda

Consider action to approve minutes of the Regular City Council Meeting of August 18, 2009 (Feutz).

Consider action on M&C # 9-01-09 with attached ordinance - a request to repeal and replace Section 1.07.031 "Contract Policies," Article 1.07 "Finances," Chapter 1 "General Provisions," of the City Code of Ordinances to condense and

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update section language to meet current legal requirements for purchasing. (Lambert).

Consider action to approve a Resolution appointing a new member to the Bandera Road Site - Community Advisory Group - K. Cunningham (Mayor Riley).

A motion was made by Councilmember Dean, seconded by Councilmember Nelson, to approve the Consent Agenda items. Upon unanimous vote, Mayor Riley announced the motion carried.

Action Agenda

Consider action on M&C # 09-02-09 with attached ordinance - a request to increase the water and sanitary sewer rates by 3% effective October 2009 (Stolz).

Assistant Public Works Director Stolz explained that the proposed 3% water and sewer rate increases are needed to meet water and sanitary sewer operation costs for the city. Mr. Stolz explained that this is the fourth year of a five-year program to bring our water and sewer rates up to the level needed to acquire permits for water rights' purchases (\$5,200/acre ft), to pay for increased operation costs billed to the City by SAWS for sewer treatment, and to pay for Leon Valley's increased costs for water system operations. He noted that the rate increase does not include stormwater management fees and stated that the average residential customer will see an increase of approximately \$1.55/month on their bill.

He explained that the city provides sanitary sewer transportation and treatment services for the entire City - with the help of SAWS. He noted that the City provides water service for approximately two-thirds of the City with the remaining one-third receive their water supply from SAWS. Mr. Stolz explained that the new rates will be effective with the first billing cycle after October 15, 2009. Slides illustrating comparisons to other cities' water and sewer rates for both residential and commercial properties was also presented.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve the ordinance adopting the new water and sanitary sewer rates to be effective in October 2009. Upon vote, Mayor Riley announced the motion carried.

Consider action on Resolution of support for the creation of a league of suburban cities receiving franchise fees from CPS Energy, whose mission shall be to increase the franchise fees payable from CPS Energy to those cities and authorizing the City Manager to expend funds and negotiate certain agreements for administrative, legal, and other related activities associated with effecting the league's mission (Lambert).

City Manager Lambert addressed Council explaining that he and Mayors of other local cities have been meeting to explore options to negotiate as a group with CPS Energy to evaluate better franchise rates, CIED Funds program parameters, rental fees for pole attachments, cost responsibility associated with the removal of utility poles and lines in the city's right-of-way, rebates for weatherization and solar energy programs, and protection of the city's right of way integrity clauses.

Councilmember Baldrige explained that twenty years ago, when she was Mayor, she and others joined together for the franchise agreement negotiations and it resulted in a 2% increase

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in the franchise fee rate for the City over what CPS Energy had proposed.

Mayor Riley stated that the consensus of the group of cities meeting on this was to seek approval from their City Councils and to then set up a meeting with CPS Energy.

Mr. Lambert noted that Council action on the Resolution did not authorize him to spend money yet, as no money is in the budget; therefore, a budget adjustment must come back to Council. He stated that the moneys would be most likely used for legal fees and for consultants in working with utility franchise agreements.

A motion was made by Councilmember Baldrige, seconded by Councilmember Nelson, to approve the Resolution as presented. Upon vote, Mayor Riley announced the motion carried.

Discussion Agenda

Discussion on new law changes which can affect city graffiti removal ordinances and Council consideration of any appropriate action following discussion (City Attorney).

City Attorney McKamie reported that the last Legislative session passed amendments to the Local Government Code which will require Leon Valley to amend its current ordinance on how it handles graffiti removal effective September 1, 2009. He explained that the new law requires cities to have specific language in the removal of graffiti by property owners only if the city has first offered to remove the graffiti free of charge and the owner has refused to allow the city to remove the graffiti. Then the city can remove the graffiti and charge the costs to the property owner. Mr. McKamie stated that the permission must be a written notice, before any graffiti removal can begin.

City Manager Lambert explained that the City Attorney has met with the Code Enforcement Officers to develop a city form which asks the property owner's permission to allow volunteers and/or city staff to remove the graffiti. He noted that the City has been trying to use community service volunteers, staff and court defendants to remove the graffiti with paint provided by the City.

Following discussion, it was agreed that ordinance revisions should be brought back for Council consideration at the next meeting.

Discussion on purchase of cameras to protect community from graffiti and Council consideration of any appropriate action following discussion (Chief Wallace).

Police Chief Wallace addressed the Council presenting pricing information on possible graffiti camera systems. He presented information on one system by Q-Star Technology which is motion based and costs \$6,000 per camera.

Council discussion asked for less costly options, questioned the effectiveness of the cameras in reducing graffiti, and asked how the purchase could be funded.

City Manager Lambert stated that staff will research AACOG grant options for dumping and

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other camera options and possible reward options for conviction of the graffiti artists. It was suggested that possibly a partnership with NISD may be an option.

Discussion on potential Resolution to request the MPO to remove Bandera Road, in Leon Valley, from the long range plan comprehensive development agreement as being a possible toll road and Council consideration of any appropriate action following discussion (Mayor Riley).

Mayor Riley stated that she is the Greater Bexar County Council of Cities' representative on the MPO's Transportation Policy Board and she discovered that Leon Valley is still under a Comprehensive Development Agreement (CDA), or toll support options, for funding Bandera Road improvements. Mayor Riley stated that if Leon Valley wants to be considered for mass transportation and high occupancy vehicle lanes, the city must be removed from the current CDA and its restrictions on other funding for transportation improvements for Bandera Road.

City Manager Lambert provided a brief history of actions by previous councils from 1999 to present day to address traffic congestion on Bandera Road noting that it appears that the city cannot be considered for other MPO funding of transportation projects as long as it remains under the CDA. Mayor Riley asked the City Attorney to investigate if legislative action taken this past session would end all current CDA's on September 1, 2009 or just stop future ones, and Mr. McKamie agreed to look into the issue.

Following discussion, Councilmembers agreed to consider a resolution asking to be put back into the MPO's regular funding cycle and to find out why we are still in CDA funding mode. Councilmember Garcia asked if neighboring cities agreed that CDA funding should be used for Bandera Road.

Resident Al Uvietta addressed Council stating that before the Alamo Regional Mobility Authority (ARMA) could act on Bandera Road improvements, it must have an environmental impact study (EIS) which is unfunded at present. He also noted that CDA's restrict any other road work for 50 years when the project competes with the CDA-funded road project.

Discussion on a Regular City Council Meeting policy and Council consideration of any appropriate action following discussion (Councilman Reyna/Lambert).

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige to table any discussion on this item to the regular City Council meeting of September 15, 2009. Upon vote, Mayor Riley announced the motion carried.

Discussion on council packet handouts and Council consideration of any appropriate action following discussion (Councilman Garcia/Lambert).

Mayor Riley announced that Councilman Garcia asked for a review of the information received by Council so she asked that it be placed for discussion by all of Council.

Councilman Garcia explained that Council has been receiving information that he does not consider pertinent for Council to read and consider. He recommended that information be streamlined to save time for staff and Council and to consider some information being sent electronically to save paper resources.

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Councilmember Nelson recommended that each Councilmember send to the City Manager their ideas on what should be included in reports sent to all councilmembers. Councilmembers agreed that the same information should be sent to all of Council.

Mr. Lambert asked that each Councilmember send their ideas for what they do and don't want to see reported by staff to them so that it can be summarized and discussed at the next Council meeting.

City Manager's report (Lambert).

- A. Oak Wilt Seminar by Texas Forest Service - Sept. 2, 2009 - 6:30 p.m.**
Mr. Lambert announced the seminar on oak wilt to be held at the Conference Center and invited the public to attend.
- B. "Employee of the Month" program.**
Mr. Lambert announced that the first "Employee of the Month" award would be presented at the September 15, 2009 Regular City Council Meeting.
- C. Update on Halff and Associates Contract work.**
Mr. Lambert announced that the contract was finalized with Halff and Associates and that the redevelopment plan Phase 1 work was progressing. Jim Carrillo from Halff and Associates reported briefly on five weeks of assessments, ordinance reviews, and proposed a workshop on October 5, 2009 for Council to review the progress on the plan and to receive Council input. He reported that his team is looking at ways to include incentives. He stated that progress may work within the current Code making adjustments to provide timely progress.

Citizens to be heard.

Resident Mary Frances Uptain commended the Animal Control Officer who has been helpful in picking up trapped cats from her property.

Resident Christina Rangel again addressed Council asking that flood control alternatives be considered before any buy-outs in the El Verde and Jeff Loop areas. She asked that any buy-out leave the property owner in the same financial position as they are in now.

Resident Jesse Barrera asked that graffiti be inspected as part of the rental registration process. He also asked for an update on his 1980 petition to add street lights on El Verde Road.

Announcements by Councilmembers and Mayor.

- A. VIA's SMART WAY SA program and VIA public hearings on proposed service revisions.**
Mayor Riley reported on VIA programs in progress this week to hear from the public on mass transportation options. She encouraged anyone interested to consider attending the public meetings. She also announced a meeting to be held on September 10, 2009 at 6:00 p.m. in the Conference Center on VIA's proposed changes in service for October 1, 2009.

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B. TML Region 7 Fall Dinner Meeting - September 16, 2009.

Mayor Riley announced the next TML Region 7 meeting scheduled for Wednesday, September 16, 2009 in Live Oak and asked everyone to coordinate their reservations with the City Secretary. City Manager Lambert offered to car pool with others planning to attend the event.

C. Fall Book Sale - September 3 - 5, 2009 10a - 6p - Library Annex.

Mayor Riley reminded everyone of the upcoming Friends of the Library Fall Book Sale dates and times.

D. Grandparent's Day Concert - September 6, 2009, 2:30p - 4p - Community Center.

Mayor Riley invited everyone to attend the Beethoven Concert Band's free concert for Grandparents' Day on Sunday, September 6, 2009 at 2:30 p.m..

E. Trade and Market Days Returns - September 12, 2009 from 9:30a - 3p

Mayor Riley announced the return of the Trade and Market Days' event. Economic Development Director Ryan announced all the inside booths are sold out and that entertainment would be featured from 9:30 a.m. - 3:00 p.m., but shopping would continue until 4:00 p.m. She also announced flu shots would be given in conjunction with a booth rental by Walgreens.

Mayor Riley also reminded everyone about the Patriot Day remembrance event would be held on Friday, September 11, 2009 at 6:00 p.m. at the Conference Center with American Legion Post No. 336. A dinner for \$10.00/person will also be held during with the installation of members and officers during this event.

Adjourn.

Hearing no further business or discussion, a motion was made by Councilmember Baldrige, seconded by Councilmember Garcia, to adjourn the meeting. Mayor Riley announced the meeting adjourned at 9:04 p.m.

Mayor Chris Riley

Marie Feutz, City Secretary

Approved by unanimous vote of City Council at the Regular City Council Meeting of Sept. 15, 2009.